

REMARKS/ARGUMENTS

Claims 21 and 60-78 are active. Independent Claim 21 has been revised for clarity. New Claims 74-77 find support in the specification page 33. Claim 78 tracks Claim 21, but does not require that the coordinate reference points be marker fibers. Other types of coordinate reference points are disclosed in the specification on page 47, last full paragraph. These include particular fiber units present in the fiber alignment slices, lines drawn on the sides of the fiber alignments, or slots cut on the sides of the fiber alignment. Accordingly, the Applicants do not believe that any new matter has been added.

The Applicants thank Examiner Sisson for the courteous and helpful interview of August 9, 2005. As discussed, Claim 21 has been directed to bundles of linearly aligned fibers, and the fiber units forming each slice have been described as being bound or immobilized to each other. With respect to step (c) it was suggested that the Applicants limit the claims to slices which are immobilized on a substrate, such as a glass slide. The concern was that it would be impossible to compare sequential slices unless they were fixed and not, for example, all floating in a solution or randomly mixed up.

The Applicants note this concern, but submit each slice of a fiber bundle would be discretely comparable to any other slice from the same bundle. Claim 21 now requires that each fiber unit in the slice is bound or immobilized to the other fiber units in the same slice and thus describes the integral and discrete nature of each slice. Moreover, each fiber alignment slice is large enough to be easily microscopically compared with the other slices from the same fiber bundle. For example, page 49 discloses using projection microscopy to make such comparisons. Thus, even were the fiber alignment slices from the same fiber bundle randomly mixed together, it would be simple and easy to compare two slices by determining where their respective coordinate reference points were located.

Objection—Specification

The specification was objected to on the grounds that it did not properly incorporate material by reference. The Applicants reiterate their earlier arguments, but also respectfully submit that unless the material incorporated by reference is necessary for description of the claimed invention, that this objection is moot.

Rejection—35 U.S.C. 112, second paragraph

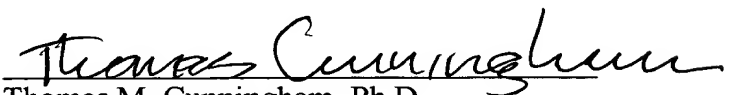
Claims 21 and 60-73 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Applicants respectfully submit that this rejection is moot in view of the amendments above. However, should additional clarifications be deemed necessary, the Applicants request that the Examiner contact the undersigned so that these issues can be promptly resolved without the need for an additional Official Action.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon


Thomas M. Cunningham, Ph.D.
Attorney of Record
Registration No. 45,394

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)